

REMARKS

This is in response to the Office Action dated March 29, 2004.

SUMMARY OF OFFICE ACTION

Importantly, in the Office Action, the Examiner stated that Claim 1 was allowed. Further, the Examiner stated that Claims 2-6 were rejected under 35 U.S.C. § 112, second paragraph as being indefinite based on a contention that these claims provide for the use of a spray bottle, sodium tripolyphosphate and a hand-operable dispenser but does not set forth any steps involved in the method/process. As such, it is unclear what method/process Applicant is intending to encompass. Moreover, the Examiner stated that Claims 2-6 were rejected under 35 U.S.C. § 101 based on a contention that the "claimed recitation of a use, without setting forth any steps involved in the process, ... results in a claim which is not a proper process claim under 35 U.S.C. 101."

APPLICANT'S RESPONSE

In the Office Action, the Examiner allowed Claim 1. In this regard, Applicant has added new Claim 7 which substantially tracks the limitations of Claim 1 but is broader compared to Claim 1 in that the specific ratio of cleaning chemical to water has been deleted and the limitation that the towel be fibrous has been deleted from new Claim 7. Further, Applicant respectfully submits that the cited references do not teach, suggest or make obvious the invention recited new Claim 7. Accordingly, Applicant respectfully submits that new Claim 7 is also believed to be allowable.

Further, in the Office Action, the Examiner rejected Claims 2-6 under two bases, namely under 35 U.S.C. § 112, second paragraph and also under 35 U.S.C. § 101. In response, Applicant has cancelled Claims 2-6 directed to a method and has replaced the same with new independent Claim 8 along with its new dependent Claims 9-13.

New base Claim 8 is broader compared to the base claim of cancelled dependent Claims 2-6, namely Claim 1, in that new base Claim 8 does not have various limitations contained in Claim 1. For example, new base Claim 8 does not have the limitation of the

specific ratio between chemical and water and fibrous towel as well as other limitations. Nonetheless, Applicant respectfully submit that the cited references do not teach, suggest or make obvious the invention recited in new base Claim 8, and in this regard, new base Claim 8 is believed to be in condition for allowance.

New dependent Claims 9-12 are corresponding apparatus claims with respect to cancelled Claims 2-6. In this regard, Applicant respectfully submits that the rejections under 35 USC 112, second paragraph and 35 USC 101 stated in the Office Action has been overcome. Accordingly, Applicant respectfully submit that new dependent Claims 9-12 are in condition for allowance.

Moreover, new dependent Claim 13 adds a new limitation that the vessel have graduated volume indicia along with corresponding heating time graduations. In this regard, Applicant respectfully submits that the cited references do not teach, suggest or make obvious the invention recited in new dependent Claim 13. Accordingly, new dependent Claim 13 is believed to be in condition for allowance.

Applicant acknowledges receipt of the prior art made of record and not relied upon, but considered by the Office Action to be pertinent to Applicant's disclosure. It is Applicant's belief that the cited art, either alone or in combination, does not anticipate, suggest, or make obvious the instantly claimed invention.

CONCLUSION

For the foregoing reasons, Applicant respectfully submits that the all the stated ground of rejection has been overcome, and that Claim 1 and Claims 7-13 are in condition for allowance. An early Notice of Allowance is therefore respectfully requested.

Should the Examiner have any suggestions for expediting allowance of the application, the Examiner is invited to contact the Applicant's representative at the telephone number below.

Application No.: 10/067,474
Response to Office Action of March 29, 2004
Attorney Docket: FREYD-002A

If any additional fee is required, please charge Deposit Account Number 19-4330.

Respectfully submitted,

Date: 6/24/04 By: 

Customer No.: 007663

Kit M. Stetina
Registration No. 29,445
STETINA BRUNDA GARRED & BRUCKER
75 Enterprise, Suite 250
Aliso Viejo, California 92656
Telephone: (949) 855-1246
Fax: (949) 855-6371

T:\Client Documents\FREYD\002A\InitialResponse.pto.doc